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| 10/675,719 | 09/29/2003 | Charles Steven Roush | 4366-135 | 6343 |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *26 May 2009*.
2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-49* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-49* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1.      A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/26/2009 has been entered.

### *Response to Amendment*

2.      In response to communications filed on 05/26/2009, the Examiner acknowledges the amendments made to the claims and have both considered and applied them to the claims.

        Claims 1-49 are presented for examination.

### *Response to Remarks/Arguments*

3.      Applicant's arguments with respect to the rejection of the claims have been fully considered but they are moot in view of the new ground(s) of rejection.

## *Claim Rejections - 35 USC § 103*

4.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Freed et al. (U.S. Patent No. 7,073,055 *hereinafter* Freed) in view of Turner et al.

(U.S. Patent No. 7,106,298 *hereinafter* Turner).

Regarding claim 1, Freed, discloses a method for remotely servicing a

computational component, comprising:

- providing a firewall and a computational component requiring servicing,

  the firewall analyzing communications to the computational component

  and configured to block servicing commands from a servicing entity

  (col. 25 lines 41-44 – "firewall system ... implemented for packet

  filtering, monitoring or logging of sessions between the data network

  and other network");

- establishing, through the firewall, a session with a servicing

  computational component, packets of the session comprising servicing

  commands and responses, wherein the incoming packet passes

  through the firewall, wherein the servicing commands and responses

are embedded in packets of a session-type otherwise permitted by the

firewall and unrelated to servicing of the computational component,

and wherein the packets omit payload normally associated with the

session (col. 26 lines 6-26 – "establishing a communication session

with the ISP 156." and "the network service provider entity receives a

first message from a user network entity. In the embodiment

associated with the method 320, the first message includes a first

message (*packet*) type defining a dynamic network service request, a

first authorization record that the user network entity employs to

dynamically request network services, a list of the filtering (*blocking*)

rules");

- receiving, by the firewall, and incoming packet associated with the

  session, the incoming packet comprising a machine executable

  servicing command for the computational component requiring

  servicing (col. 24 lines 39-59 – "receiving static network service

  requests *(requiring servicing)* on a network service provider entity from

  a user network entity associated with a premium network service

  type"); and

- forwarding, by the firewall, the servicing command to the computational

  component requiring servicing (col. 25 lines 5-25 – "network service

  provider entity may include the first network device, or alternatively, the

network service provider entity may communicate with the first network

device via a communication link").


Freed does not explicitly disclose omitting payload normally associated

with the session such as voice data or graphic data, however it is

understood by the Examiner that the recitation of "a first authorization

record that the user network entity employs to dynamically request

network services, a list of the filtering (*blocking*) rules" provides support

for it to have been obvious for one of ordinary skill in the art, at the time

of the invention to have been motivated to modify the Freed disclosure

to read upon the claimed invention.  The above citation is the

understood motivation for this modification.


Freed is silent in disclosing the servicing command is in a payload

portion of a voice-over-IP packet or a payload portion of an instant

message packet, however Turner does provide such a disclosure in

col. 6 lines 28-55, which recites, "voice over IP telephone device 12

implements application-specific messaging using extensible markup

language (XML) documents 90, referred to as 'application state

documents,' that are used to define the generic messaging protocol

(i.e., command set) available to executable applications.  In particular,

the GUI controller 25 includes a stack 36 and an XML module 38.  The

XML module 38 includes an XML file store 40 for storing XML

documents (6:38-55)." The disclosed application-specific messaging

using extensible markup language (which defines the generic

messaging protocol or establishes a command set) having a stack 36

and which stores XML documents is understood by the Examiner to

read upon the claimed and argued payload portion of a voice-over-IP

and/or instant packet comprising servicing commands.

It would have been obvious for one of ordinary skill in the art to have

been motivated to combine the Freed and Turner references as both

are directed towards providing network services to remote

users/devices. The motivation for the combination is provided by

Turner which recites, "there is a need for an arrangement that enables

multiple application services to be displayed on a network-enables

user device, for example a VOIP telephony device, according to an

open protocol (2:42-55)."

Claim 18 is disclosed by Freed and is rejected under the same rationale as claim

1, as both claims comprise similar limitations and claim 18 is the system

implementation of claim 1.

Claim 33 is disclosed by <u>Freed</u> and is rejected under the same rationale as claim

1, as both claims comprise similar limitations.


Regarding <u>claims 2, 19 and 34</u>, <u>Freed</u>, discloses the method of Claim 1, wherein

the session is defined by a point-to-point protocol (col. 10 lines 1-55), wherein the

session is a real-time or near real-time session and wherein the servicing

command is associated with at least one of maintenance, diagnosis,

provisioning, administration, monitoring, operating, repair, replacement,

reconfiguring, configuring and servicing of the computational component (col. 24

lines 24-31 – "message structure … associated with a premium network service

type to statically request network services.  The message includes three fields: a

message type field 292, an authorization field 294 and an identifier field 296").


Regarding <u>claims 3, 20 and 35</u>, <u>Freed</u>, discloses the method of Claim 1, wherein

the forwarding step occurs at least substantially immediately after the receiving

step, wherein  and the session type is a computer telephony session, and

wherein the sesson packet omit codec and voice information (col. 6 lines 35-44 –

"if the data-over-cable system is Packet Cable Specification compliant, the data-

over-cable system may include a plurality of additional network devices such as a

call management server [which] … may enable the media terminal adapter to

establish multimedia sessions incluiding voice communications applications such

as "IP telephony" or "VOIP.").

Regarding <u>claims 4, 21 and 36</u>, <u>Freed</u>, discloses the method of Claim 1, wherein

the session is defined by a point-to-point protocol (col. 10 lines 1-55), wherein the

session is configured as an instant messaging session and wherein graphical

display instructions are omitted from the incoming packet (col. 1 lines 23-27 –

"multi-media content including audio, video, graphics and text that requires a

large bandwidth for downloading and viewing").

> [*The Examiner's Reasoning*: The cited portion of the reference discloses
>
> "a world-wide-network of interconnected computers, provid[ing] multi-
>
> media content including audio, video, graphics and **text**" thus the
>
> capability of providing communications session configured as an instant
>
> messaging only session or a session in which graphical display
>
> instructions is understood as being disclosed.]

Regarding <u>claims 5, 22 and 37</u>, <u>Freed</u>, discloses the method of Claim 1, wherein

the session is configured as a voice-over-IP session and wherein the session

packets omit voice information (col. 6 lines 34-43).

Regarding <u>claims 6, 23 and 38</u>, <u>Freed</u>, discloses a method of Claim 1, wherein

the packet header and trailer of the packet are configured as a voice-over-IP

packet but the payload comprises text setting forth the machine executable

servicing command (col. 6 lines 34-43).


Regarding claims 7, 24 and 39, Freed, silent in disclosing a method of Claim 1,

wherein the packet header trailer of the packet are configured as an instant

message packet but the payload comprises the machine executable servicing

command (col. 1 lines 23-27).

> [*The Examiner's Reasoning*: The cited portion of the reference discloses
>
> "a world-wide-network of interconnected computers, provid[ing] multi-
>
> media content including audio, video, graphics and **text**" thus the
>
> capability of providing communications session configured as an instant
>
> messaging session is implied within the full disclosure of the art.]


Regarding claims 8, 25 and 40, Freed, is silent in disclosing the method of Claim

7, wherein the machine executable servicing command is not associated with

operation of a graphical user interface or the display of information (col. 24 lines

22-64).

> [*The Examiner's Reasoning*:  The message field disclosed here makes no
>
> mention of a graphical user interface or the display of information and thus
>
> implies the absence of these features.]

Regarding <u>claims 9, 26 and 41</u>, <u>Freed</u>, discloses the method of Claim 1, wherein

the servicing command is associated with at least one of the following call

processing parameters: Digital Communication System or DCS call coverage,

audible message waiting, vectoring, attendant vectoring, Asynchronous Transfer

Mode or ATM WAN spare processor, ATM, dial by name, echo cancellation,

multimedia call handling, multiple call handling, caller identification,

multifrequency signaling, Integrated Services Digital Network or ISDN network

call redirection, centralized attendant, remote office, enhanced Direct Inward

Dialing or DID routing, survivable remote processor, time of day routing, tenant

partitioning, hospitality announcements, Vector DirectoryNumber or VDN of origin

announcement, wideband switching, wireless, logged-in automated call

distribution or ACD agents, maximum currently registered IP stations, maximum

administered IP trunks, offer category, maximum number of ports, maximum

number of administered remote office trunks, maximum number of mobile

stations, abbreviated dialing enhanced list, audible message waiting, vectoring,

answer supervision by call classifier, ATM trunking, agent states, dial by name,

DCS call coverage, echo cancellation, multifrequency signaling, wideband

switching, logged-in agents, offer category, maximum numbers of concurrently

registered IP stations, administered IP trunks, ports, and concurrently

administered remote office stations/trunks, call center release, features that have

a product value (e.g., corresponding to a product name or type), a release

number (e.g., referring to a product release identifier), and numeric value(s) (e.g.,

indicating an operational parameter associated with the product and/or release,

such as how many ports are licensed, how many licenses for the product are

granted, how many concurrent users are allowed, and/or how many stations can

be concurrently administered with the feature) (col. 9 lines 38-56).

Regarding claims 10, 27 and 42 , Freed, discloses the method of Claim 1,

wherein the servicing command is associated with at least one of the following

user features: features that are invoked prior to placing a call, features that are

invoked during a call, features that are non-call associated that do not require

display interactions, features that are non-call associated that require display

interactions, features that are operated against calls not associated with the

activating station, and features that are operated against an alerting call (col. 6

lines 34-48).

Regarding claims 11, 28 and 43, Freed, discloses the method of Claim 10,

wherein the servicing command is associated with at least one of the following

user features: analog bridged appearance select, abbreviated dialing, active

appearance select, automatic appearance select, automatic call back, automatic

intercom, autodial, bridged appearance selection, call appearance selection, call

forwarding all, call forwarding busy/no answer, call forwarding deactivation, call

park, call unpark, call pick-up, conference no answer, conference, calling party

number block, calling party number unblock, dial intercom, directed call pick-up,

drop last added party, drop call, exclusion (which prevents a user from being active on the same call on a physical port and a trunk port), extend call off-switch enable (to enable the mapping agent), extend call off-switch disable (to disable the mapping agent), group page, handover, held appearance select, hunt night service, last number dialed, malicious call trace activation, malicious call trace deactivation, manual message waiting, priority call, send all calls, manual signaling, transfer on hang up, transfer to voice mail, and trunk night service (col. 6 lines 34-43).

Regarding claims12, 29 and 44, Freed, discloses the method of Claim 1, wherein the session is point-to-point (col. 10 lines 1-55), a header and trailer of the session packets resemble the session type permitted by the firewall, and wherein the servicing commands and responses are embedded in session packet payloads in lieu of message content intended for a human recipient (col. 25 lines 41-44).

Regarding claims 13, 30 and 45, the method of Claim 1, wherein the type of the session is not intended to be associated with a servicing command, wherein the session type does not enable packet numerical sequencing, and wherein the session packets are altered to numerically sequence the packets (col. 25 lines 41-44).

[*The Examiner's Reasoning*: It is understood that the initial message sent

tot the firewall is just to establish communication with firewall and not to be

associated with a servicing command which would require an authenticated

connection/session.]

Regarding <u>claims 14, 31 and 46</u>, <u>Freed</u>, discloses the method of Claim 1, further

comprising:

- receiving a servicing response to the servicing command from the

  computational component requiring servicing (col. 24 lines 39-59);

- configuring the servicing response as at least one packet associated with

  the session (col. 26 lines 53-64); and

- sending the at least one servicing response packet to the servicing

  computational component (col. 26 lines 5-25).

Regarding <u>claims 15, 32 and 47</u>, <u>Freed</u>, discloses the method of Claim 13,

wherein the type of session is intended for person-to-person communications

(col. 6 lines 34-43).

Regarding <u>claims 16 and 48</u>, <u>Freed</u>, discloses a computer readable medium

comprising computer executable instructions operable to perform the steps of

Claim 1 (Rejected under the same rationale as claim 1).

Regarding <u>claims 17 and 49</u>, <u>Freed</u>, discloses a logic circuit comprising circuitry

operable to perform the steps of Claim 1 (Rejected under the same rationale as

claim 1).


## *Conclusion*

5.      Examiner's Note: Examiner has cited particular columns and line numbers in the

references as applied to the claims below for the convenience of the applicant. Although

the specified citations are representative of the teachings in the art and are applied to

the specific limitations within the individual claim, other passages and figures may apply

as well. It is respectfully requested that the applicant, in preparing the responses, fully

consider the references in entirety as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or disclosed

by the examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHINWENDU C. OKORONKWO whose telephone

number is (571)272-2662.  The examiner can normally be reached on M-F 2:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nasser Moazzami can be reached on (571) 272 4195.  The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/C. C. O./                                                    /Nasser G Moazzami/

Examiner, Art Unit 2436                                        Supervisory Patent Examiner, Art

                                                              Unit 2436